



DEPARTMENT OF THE INTERIOR

INFORMATION SERVICE

OFFICE OF THE SECRETARY

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FEDERAL TAKE-OVER AT TULE LAKE INITIATED

The Tule Lake Irrigation District was notified today by Acting Secretary of the Interior Elmer F. Bennett that the United States intends to resume operation of the pumping drainage facilities at Tule Lake 65 days from today (on February 14, 1960).

This action has been taken by notice pursuant to a contract between the Tule Lake Irrigation District (T.I.D.) and the Department of the Interior entered into on September 10, 1956.

T.I.D. has been operating these facilities, known as the pumping plant D, inlet channel and Tule Lake tunnel since January 1, 1957. According to the operating regulations issued under the 1956 contract, T.I.D.'s operation of the Tule Lake drainage sumps was supposed to maintain specified objective sump levels to accord with the wildlife management plan for Tule Lake Refuge as formulated by the Fish and Wildlife Service.

Acting Secretary Bennett noted that Maurice Strantz, Manager of the T.I.D., is reported to have stated that the objective levels would not be maintained by the District. "In any event," Mr. Bennett stated, "the record is clear that T.I.D. has not maintained the Tule Lake sumps as required by our contract. It has long been our announced intention to require the operation of the Lower Klamath-Tule Lake facilities in a manner that will fully meet wildlife conservation objectives, while serving their primary purpose of protecting agricultural lands."

"The Solicitor of the Department, George W. Abbott, has advised that this requirement is in accordance with the Department's rights under the 1956 contract."

Simultaneously, the Acting Secretary announced that he had instructed officials of the Department to suspend consideration for the time being of three related problems in the Tule Lake area. These include the appraisal of the land values involved in a possible land exchange in the Klamath Project area; a proposed

drainage program for lands in Siskiyou and Modoc Counties in California--a program intended to prevent salt and water accumulations in portions of the sump area now under lease for agricultural purposes; and the determination of the allocation of costs for removing water from the lower Klamath Lake area.

"Until the problem of adequate maintenance of the water levels at Tule Lake is resolved, it may not be possible for us to proceed with these related actions," Mr. Bennett said.

"Our examination of the Tule Lake Water Level problem," Mr. Bennett said, "has required consideration of a number of facets. Ralph Brody, who was then attorney for T.I.D. and now is Deputy Director, Department of Water Resources, State of California, had advised T.I.D. that under the 1956 contract it was not obligated to maintain the Tule Lake Wildlife Refuge water levels as prescribed by the regulations. In turn, the Bureau of Reclamation, at the Sacramento level, relied on conclusions reached after study of the matter by Mr. Kent Silverthorne, then of the Department of the Interior's Regional Solicitor's Office, and since July 1, 1959, serving as Chairman of the California Water Rights Board by appointment of Governor Edmund G. Brown of California."

The Solicitor has advised the Secretary, Mr. Bennett stated, that he does not concur in Mr. Brody's advice to T.I.D. nor in the conclusion reached by the Regional Solicitor's Office that maintenance of facilities for the benefit of fish and wildlife cannot be imposed so as to increase the cost to the irrigation district.

Under the contract the District, as a result of the notice, may initiate measures that will correct violations occasioning issuance of the notice.

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